



EXPRESS MAIL NO.: EL615431105US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4/6

In re the application of:

**RECEIVED**

**Tammy L. Moser, et al.**

**MAR 03 2004**

Art Unit: 1642

Application No.: 09/314,159

**OFFICE OF PETITIONS**

Examiner: Nichols, J.

U.S. Patent No.: 6,444,431

Issued: September 3, 2002

For: **ANGIOSTATIN RECEPTOR**

**PETITION FOR DUPLICATE LETTERS PATENT UNDER 37 C.F.R. §1.182**

***Mail Stop Petition***

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

Applicants submit herein a Petition for Duplicate Letters Patent Under 37 C.F.R. § 1.182. The above referenced matter was transferred from the law firm of Womble Carlyle Sandrige & Rice, PLLC, to Howrey Simon Arnold & White in 2002. Upon a routine review of the prosecution file, Howrey Simon noted that the original Letters Patent from the U.S. Patent and Trademark Office was not yet received, nor was it forwarded from Womble Carlyle. An inquiry to the U.S. Patent and Trademark Office by Howrey Simon revealed that Womble Carlyle was still the attorneys of record in this matter.

Upon Howrey's request, Attorney David Bradin of Womble Carlyle checked his docketing files to determine if the Letters Patent was received. It was not. These facts are detailed in the attached declaration by Mr. Bradin, as well as in the attached copy of the docketing record provided by Womble Carlyle (Exhibit A).

03/01/2004 HVUON61 00000078 083038 09314159

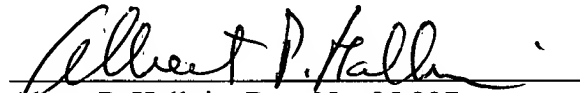
01 FC:1460 130.00 DA

Applicants believe that the original Letters Patent was lost in the mailing from the U.S. Patent and Trademark Office to Womble Carlyle. Therefore, Applicants now petition the U.S. Patent and Trademark Office for a Duplicate Letters Patent.

The requisite fee of \$130.00 under 37 C.F.R. § 1.17(h) is enclosed herein. Applicants believe that no other fee is required with this petition. However, Applicants hereby authorize the U.S. Patent and Trademark Office to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038 referencing docket number. 05882.0102.NPUS00.

Respectfully Submitted,

Date: February 24, 2004



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Tammy L. Moser, et al.

Application No.: 09/314,159

U.S. Patent No.: 6,444,431

Filed: May 19, 1999

For: ANGIOSTATIN RECEPTOR

RECEIVED

MAR 03 2004

OFFICE OF PETITIONS

Art Unit: 1642

Examiner: Nichols, J.

**DECLARATION OF ATTORNEY IN SUPPORT OF  
PETITION FOR DUPLICATE LETTERS PATENT UNDER 37 C.F.R. §1.182**

*Mail Stop Petition*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

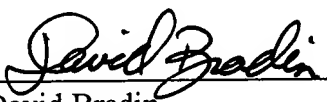
Dear Sir:

1. I, David Bradin, am the former prosecuting patent attorney for the above referenced matter.
2. On August 15, 2002, we received the issue notification from the United States Patent and Trademark Office. The above referenced patent subsequently issued on September 3, 2002.
3. By request of our client, Protein Design Laboratories, Inc., the above referenced matter was transferred to the law firm of Howrey Simon Arnold & White before the issue date. To my knowledge, Womble Carlyle did not file a petition to withdraw as attorneys in this matter.
4. On December 8, 2003, I was contacted by the law firm of Howrey Simon Arnold & White regarding the receipt of the ribbon copy from the United States Patent and Trademark Office. I was informed that Howrey Simon did not file a revocation/power of attorney in the above referenced matter, and were informed by the United States Patent and Trademark Office that Womble Carlyle continued to be the attorneys of record in this matter.

5. On request by Howrey Simon, I investigated the status of the ribbon copy receipt by our office. Our docketing records indicated that we never received a ribbon copy of the patent from the United States Patent and Trademark Office (Exhibit A).

6. All statements made on the basis of personal knowledge are true, and all statements made on the basis of information and belief are believed to be true. Further, these statements are made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: January 13, 2004

  
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David Bradin  
Reg. No. 37,783  
Womble Carlyle Sandridge & Rice, PLLC  
2530 Meridian Parkway, Suite 400  
Durham, NC 27713



# EXHIBIT A

2/11/2004

Patent Information Print

Docket No	A180 1040	Application #	09/314,159
Country	United States	Parent No	60/086,155
Case Type	Regular	Parent Country	United States
Relation Type	Original Filing	Sub Stat	Sold
Filing Type	National	Status	Inactive
Filing No		Total Claims	
Client Attorney	Lou Isaf	Ind. Claims	
Foreign Agent		Expiration Dt	
Client\Division	ANGIOMICS	Assigned	
Current Owner	ANGIOMICS	Responsible Attorney	David Bradin
Prev Own		Oper Grp	
Disclosure Status		Attorney #2	
Next Tax Dt		Attorney #3	
Tax Base Dt		Ag Ref No	
Publication Dt		Long Case No.	
Grant Dt		Client Ref No	
Application Dt	5/19/1999	Firm ID	41689.0007.0
Parent Grant Dt	5/19/1998	Verified	N
Parent Filing Dt	5/19/1999	Customer	W6PP
Sub Stat Dt	1/30/2003	Create Dt	1/22/2002
First Filing Dt		Update Dt	8/19/2003
Conv Type		Update Tm	0925
Publication #		Update User	GLBC
Patent No		Update Type	

\*\*Actions\*\*

Action	IDS DUE	Taken Dt	
Act Due Date	8/19/1999	Comp Dt	8/19/1999
Action	Notice of allowance	Taken Dt	
Act Due Date	7/31/2001	Comp Dt	10/31/2001
Action	Issue Fee Due	Taken Dt	
Act Due Date	10/31/2001	Comp Dt	10/31/2001

\*\*Title\*\*

Title  
ANGIOSTATIN RECEPTOR

\*\*Text\*\*

Txt Type            Long Remarks

Text  
PER DAVID BRADIN, FILE TRANSFERRED TO HOWERY SIMON ARNOLD &  
WHITE, LLP